

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201901272	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/04/2018 2:55 PM	Location of Incident: § 87(2)(b)	Precinct: 104	18 Mo. SOL 5/4/2020	EO SOL 12/19/2020	
Date/Time CV Reported Mon, 12/10/2018 10:09 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/10/2018 10:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Henry Sorto	06996	961317	104 PCT
2. POM John Ricottone	14861	939306	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT James Galvin	01328	925328	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Ricottone	Abuse: Police Officer John Ricottone forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Henry Sorto	Abuse: Police Officer Henry Sorto forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On December 10, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On November 4, 2018, PO Henry Sorto and PO John Ricottone, of the 104th Precinct, responded to a 911 call placed by § 87(2)(b)'s parents at § 87(2)(b)'s § 87(2)(b) in Queens. PO Sorto and PO Ricottone allegedly forcibly removed § 87(2)(b) to § 87(2)(b) (Allegations A and B: Abuse of Authority, § 87(2)(g) § 87(4-b), § 87(2)(g))

No arrests or summonses resulted from this incident. There was no known video footage of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Henry Sorto forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Police Officer John Ricottone Sorto forcibly removed
§ 87(2)(b) to the hospital.

It is undisputed that at 2:55 PM on November 4, 2018, § 87(2)(b)'s father called 911 from § 87(2)(b)'s § 87(2)(b) in Queens to report that § 87(2)(b) had not been taking his medication and was confused. The EVENT (BR 01) and 911 call audio (BR 10) are consistent and state that no weapons or injuries were reported. The call was marked as an ambulance case-emotionally disturbed person inside. PO Sorto and PO Ricottone responded to the call and arrived at approximately 3:01 PM. Sgt. James Galvin, also of the 104th Precinct, also responded to the call. § 87(2)(b) was ultimately removed to § 87(2)(b).

§ 87(2)(b) (BR 02) was unable to provide a consistent statement regarding the incident. He described an incident in which he entered his parents' residence through a window in the roof, after which, his parents called 911. After officers arrived, he was removed to § 87(2)(b), but he did not recall why. § 87(2)(b) denied that he is diagnosed with any mental illnesses.

The FDNY Pre-Hospital Care Report (see privileged documents) states that § 87(2)(b) was found alert and sitting in front of his home with no complaints. Officers from the 104th Precinct were present. As per § 87(2)(b)'s mother, § 87(2)(b) has been off his psychiatric medication for over a year. § 87(2)(b) was more agitated the past couple of days and, on the incident date, snuck into the house through the roof and threatened his mother with violence. § 87(2)(b)'s mother had no idea why § 87(2)(b) was acting in that manner other than being off his medication. § 87(2)(b) denied drug/alcohol use. § 87(2)(b) did not have any visible injuries. § 87(2)(b) was uncooperative with ambulance crew. § 87(2)(b) stated he will go to the hospital to be evaluated. Under the clinical subsection, the "Provider Impression" is listed as "Behavioral Disorder."

§ 87(2)(b)'s medical records from § 87(2)(b) (see privileged documents) state, "§ 87(2)(a) PHL § 18(6)

Attempts were made to contact § 87(2)(b)'s parents, but these attempts were ultimately unsuccessful.

PO Sorto (BR 04) and PO Ricottone were the first officers to arrive on scene. PO Sorto and PO Ricottone spoke with § 87(2)(b)'s mother and father, who stated that § 87(2)(b) was not taking his medication. Approximately two minutes later, § 87(2)(b) exited the house and sat on the steps of the front porch. PO Sorto and PO Ricottone asked § 87(2)(b) how he was feeling and § 87(2)(b) stated that he was feeling fine medically. § 87(2)(b) was calm during this conversation and did not present a threat to himself or others. An ambulance arrived, and PO Sorto told § 87(2)(b) that he needed to be evaluated by EMS. PO Sorto could not recall whether he or PO Ricottone ever told § 87(2)(b) that he was going to be transported to the hospital. § 87(2)(b) followed the EMTs to the ambulance, and after evaluating § 87(2)(b) the EMTs determined that § 87(2)(b) needed to be hospitalized.

PO Ricottone (BR 05) stated that, when he and PO Sorto arrived on scene, § 87(2)(b)'s mother stated § 87(2)(b) was schizophrenic and that he needed to be removed to the hospital. At no time did § 87(2)(b)'s mother state that he had become violent and PO Ricottone could not recall a conversation about whether § 87(2)(b) was off his medication. PO Ricottone stated that § 87(2)(b) was calm, albeit irrational, although PO Ricottone could not recall any statements that led him to believe that § 87(2)(b) was irrational. PO Ricottone told § 87(2)(b) that he needed to go to the hospital, which § 87(2)(b) verbally contested. PO Ricottone continued to tell § 87(2)(b) that he needed to go to the hospital, and eventually § 87(2)(b) verbally agreed to go to the hospital. Sgt. James Galvin arrived at the scene at some point during the incident; PO Ricottone did not recall exactly when. PO Ricottone amended his testimony and stated that it was Sgt. Galvin and not himself that determined that § 87(2)(b) needed to be hospitalized.

Sgt. Galvin (BR 03) had no recollection of this incident. In his memo book, Sgt. Galvin noted, "At 1454: 54 @ 79-12 60th. At 1552 EOT." Sgt. Galvin never became aware that § 87(2)(b) was forcibly removed to the hospital or that he refused medical attention.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in two allegations. (BR 07)
[REDACTED] § 87(2)(b) [REDACTED]
- Police Officer Henry Sorto has been a member-of-service for three years and this is the first CCRB complaint to which he has been subject.
- Police Officer John Ricottone has been a member of service for thirteen years and this is the first CCRB complaint to which he has been subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of May 1, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident. (BR 08)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: Squad 4

Investigator:	Investigator Carter Salis	06/18/19
Signature	Print Title & Name	Date

Squad Leader:		
Signature	Print Title & Name	Date

Reviewer:

Signature

Print Title & Name

Date